



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

DGR:DAS/BDM/TRP
F. #2016R00467

*271 Cadman Plaza East
Brooklyn, New York 11201*

August 11, 2023

Via ECF

The Honorable Margo K. Brodie
Chief United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: In Re Forfeiture Order of Tim Leissner
Miscellaneous Docket No. 23-1505 (MKB)

Dear Chief Judge Brodie:

The government respectfully writes to request an adjournment of the telephone status conference scheduled in the above-referenced criminal forfeiture proceeding, from August 14, 2023 to October 13, 2023, or a date thereafter convenient to the Court. As the Court is aware, to date, four claimants have filed petitions in this ancillary proceeding involving 3,325,942 shares of stock in Celsius Holdings, Inc. (the "Celsius Shares"). See ECF Dkt. Nos. 3-5, 8. The adjournment is requested to allow the parties to continue with settlement discussions in an effort to resolve one or more claims without the need for Court intervention. The government has conferred with counsel for the claimants, who consent to the requested adjournment.

The procedures governing the conduct of this criminal forfeiture ancillary proceeding is set forth in Title 21, United States Code, Section 853(n) and Rule 32.2(c) of the Federal Rules of Criminal Procedure. Before conducting a hearing on a petition, the Court may, on motion, dismiss the petition for lack of standing, for failure to state a claim, or for any other lawful reason. Fed. R. Crim. P. 32.2(c)(1)(A). Following the disposition of any such motion, the Court may also permit the parties to conduct discovery in accordance with the Federal Rules of Civil Procedure to resolve factual issues. Fed. R. Crim. P. 32(c)(1)(B). When discovery ends, a party may move for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Id.

Accordingly, the government respectfully requests, with the consent of the claimants, that it be directed to submit another report in advance of the next status conference date advising the Court of the status of all claims, including the outcome of settlement discussions with one or more of the claimants, and providing a proposed briefing schedule

for the government's anticipated motion to dismiss any unresolved claims pursuant Fed. R. Crim. P. 32.2(c)(1)(A).

Thank you for Your Honor's consideration of this submission.

Respectfully submitted,

BREON PEACE
United States Attorney

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cc: All Counsel of Record (by ECF)